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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH,

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UNITED STATES OF AMERICA, :  
Plaintiff, : CASE NO. 2:07CR00286 PGC  
v. :  
BARON LOMBARDO et al., : MOTION FOR A PROTECTIVE ORDER  
Defendants. :  

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COMES NOW the United States of America through the undersigned attorneys and requests the Court to issue a protective order governing dissemination of documents provided to defense counsel in preparation for trial in this matter. This Motion is made pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure.<sup>1</sup>

**Statement of Facts**

The Indictment in this case is the result of a long-term and on-going investigation (of Internet gambling and other Internet-based crimes) being conducted by the United States Department of Justice and the Internal Revenue Service. A large portion of the documents

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<sup>1</sup>At any time the court may, for good cause, deny, restrict or defer discovery or inspection, or grant other appropriate relief. The court may permit a party to show good cause by a written statement that the court will inspect *ex parte*. If the relief is granted, the court must preserve the entire text of the party's statement under seal.

gathered in this investigation that will be made available to defense counsel are records of credit card transactions and other bank records and therefore contain the personal identifying information of parties from whom the government obtained the evidence, and others. Unrestricted access or use of such information could subject these individuals to possible harm, including identity theft. Additionally, many of the documents contain information generally regarded as proprietary by businesses that provided the documents to the United States pursuant to grand jury subpoena. Unrestricted access or use of such information could needlessly injure legitimate business interests, and discourage businesses from willing cooperation in law enforcement investigations.

Additionally, the ongoing investigations described above could be compromised if the materials to be disclosed in this case were to be made public in an inappropriate context, i.e., outside a federal court room. Premature publication of these materials could alert targets of the nature and extent of the ongoing investigations, and result in the secretion of proceeds subject to seizure so that the funds cannot be recovered. For these reasons, the United States seeks to limit the dissemination of materials disclosed to defense counsel in this case.

**Requested Protection**

The United States requests that the Court order defense counsel not to share documents provided to them by the government in the course of the discovery process in this case with anyone other than their clients, counsel's employees, and consultants retained by defense counsel to assist in trial preparation. The United States further requests that the Court order defense counsel and those to whom defense counsel provide documents use the documents solely for the purpose of preparation for trial and sentencing in this matter. This will allow the defense to have the documents while minimizing the risk that untimely disclosure will injure innocent document

providers, or ongoing criminal investigations. Further, the United States is requesting that any counsel wishing to transport documents outside the United States sign a certification regarding the handling of such documents. A draft order is attached for the convenience of the Court.

Respectfully submitted this 30th day of July, 2007.

BRETT L. TOLMAN  
United States Attorney

/s/ D. Loren Washburn  
Assistant United States Attorney

/s/ Marty Woelfle  
Trial Attorney